

# **Report to the Environmental Review Commission**

## **Pursuant to S.L. 2014-120, Sec. 29 REFORM AGENCY REVIEW OF ENGINEERING WORK**

**January 14, 2015**

**Orange County, North Carolina, Planning & Inspections  
Department, Engineering/Stormwater Division**

**Approved/delegated program subject to reporting requirements:**

☒ Sedimentation/erosion control

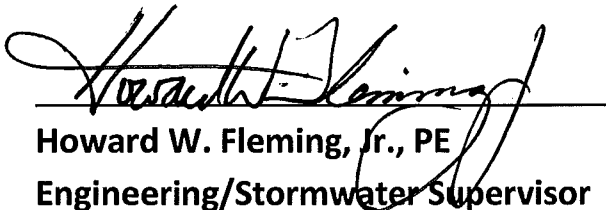
☒ Stormwater

☐ Water/sewer

☐ Cross-connection

☐ 401 certifications

☒ Other **NCGS § 143-214.24. Riparian Buffer Protection Program**

  
Howard W. Fleming, Jr., PE  
Engineering/Stormwater Supervisor

**01/14/15**

**Sig. Date**

***Submit this report electronically to Mariah Matheson, Commission Assistant,  
Environmental Review Commission, at Mariah.Matheson@ncleg.net.***

**Name of local government unit: Orange County, NC**

***\*\*Please attach any written procedures that may have been developed to implement the provisions of this law.\*\****

☒ Check to indicate that this plan review program implemented procedures whereby plan reviewers distinguish between plan changes that are required by statutory or other legal authority and those that the reviewer offers as suggestions for improvement. Refer to S.L. 2014-120, Section 29.(b)(1) for further details about this requirement.

☒ Check to indicate that this plan review program identifies the statutory or regulatory authority for any revisions or requests for additional information that are required by the program in order to grant the requested plan permit, approval, or license. Refer to S.L. 2014-120, Section 29.(b)(2) for further details about this requirement.

☒ Check to indicate that this plan review program implemented procedures for local governments to follow when (1) a Professional Engineer submits a sealed design or practice that is not in the local government's guidance, manuals, or standard operating procedures, and (2) the submitting Professional Engineer requests additional internal review of that design or practice. Refer to S.L. 2014-120, Section 29.(c)(1) for further details about this requirement.

☒ Check to indicate that this plan review program established a procedure whereby the plan reviewer's supervisor OR the approving/delegating state agency can provide further review and oversight of these design details. Refer to S.L. 2014-120, Section 29.(c)(1) for further details about this requirement.

☒ Check to indicate that this plan review program either employs a Professional Engineer who can conduct further review of these innovative designs, or maintains a list of consulting Professional Engineers of the local government unit's choice that may conduct this review, if requested by and paid for by the submitting Professional Engineer. Refer to S.L. 2014-120, Section 29.(c)(1) for further details about this requirement.

☒ Check to indicate that this plan review program established an informal internal process to address disputes when a plan reviewer identifies a change to the plans as being "required" under a specific, identified legal authority. Refer to S.L. 2014-120, Section 29.(c)(2) for further details about this requirement.

☒ Check to indicate that this plan review program discontinued use of the word "engineer" in the job titles of all program employees whose responsibilities include review of plans in affected programs, *unless* those employees hold Professional Engineer licenses. Refer to S.L. 2014-120, Section 29.(h) for further details about this requirement.

**Name of local government unit: Orange County, NC**

☒ Check to indicate that this plan review program reviewed the titles of all employees conducting plan reviews for this program. Refer to S.L. 2014-120, Section 29.(h)(1) for further details about this requirement.

☒ Check to indicate that this plan review program proposed revisions to those employees' job titles in order to eliminate use of the word "engineer" when publicly identifying those employees, if those employees do not hold Professional Engineer licenses. Refer to S.L. 2014-120, Section 29.(h)(2) for further details about this requirement.

**Additional information:**

**ATTACHMENTS**

- A. Procedure policy (attached) posted to Orange County, NC, Planning & Inspections Department Website 12/01/2014 (<http://orangecountync.gov/planning/index.asp>)

PERMITTEES: Persons Submitting a Regulatory Submittal to Orange County (Regulatory Authority)

REGULATION: REFORM AGENCY REVIEW OF ENGINEERING WORK

CITATION: SESSION LAW 2014-120, SENATE BILL 734

SUBJECT: 1) Informal Internal Review, upon request of Submitting Party  
2) Remedy Procedure for Disagreement between Orange County Reviewer and the Submitting Party

- B. Orange County Legal Plan Review Comments Preamble, pursuant to SL 2014-120

ATTACHMENT A  
PLANNING & INSPECTIONS DEPARTMENT  
Craig N. Benedict, AICP, Director

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Control / Stormwater  
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December 1, 2014

PERMITTEES: Persons Submitting a Regulatory Submittal to Orange County (Regulatory Authority)

REGULATION: REFORM AGENCY REVIEW OF ENGINEERING WORK

CITATION: SESSION LAW 2014-120, SENATE BILL 734

SUBJECT: 1) **Informal Internal Review**, upon request of Submitting Party  
2) **Remedy Procedure for Disagreement** between Orange County Reviewer and the Submitting Party

To Whom It May Concern:

**In accordance with Session Law 2014-120, Orange County is establishing the following:**

**Novel Design Review**

Should a Regulatory Submittal include a design or practice sealed by a Professional Engineer but not included in the Orange County's existing guidance, manuals, or standard operating procedures, this review will first be conducted by the reviewing employee's supervisor. In the case of Orange County, being a delegated unit of local government, this review may be reviewed by the delegating or approving State agency.

If this initial review was not conducted by a Professional Engineer, then the Submitting Party may request review by (i) a Professional Engineer on the staff of the Orange County or (ii) the delegating or approving State agency. If the Orange County or delegating or approving State agency does not employ a Professional Engineer qualified and competent to perform the review, it may provide for review by a consulting Professional Engineer selected from a list developed and maintained by Orange County. Orange County may charge the Submitting Party for the costs of the review by the consulting Professional Engineer.

Nothing in S.L. 2014-120 is intended to limit the authority of the Orange County to make a final decision with regard to a Regulatory Submittal following the reviews described in therein.

**Disagreement Resolution**

The following outlines procedures for resolution of disagreement between the reviewer of the Regulatory Submittal and the Submitting Party regarding whether the statutory or regulatory authority identified by Orange County for revisions or requests for additional information designated as "required" under the procedures set forth in accordance with Section 29(b) of Session Law 2014-120 justifies a required change.

1. Submitting Party must address specifics of disagreement in writing. This letter should be addressed to the Division Supervisor.
2. The Division Supervisor will review the complaint and respond in writing within five (5) working days with a response of either (i) supporting objection(s) or (ii) supporting Reviewer's requests for revisions or additional information. This response, if negative, shall contain the specifics as to appeal.
3. Should the Submitting Party disagree with the Division Supervisor's decision, an appeal may be submitted to Orange County's delegating or approving State agency.

Nothing in Section 29(c) of this S.L. 2014-120 shall limit or abrogate any rights available under Chapter 150B of the General Statutes to any Submitting Party.

Sincerely,  
Howard W. Fleming, Jr., PE  
Engineering/Stormwater (Division) Supervisor  
Orange County Planning and Inspections Department  
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(919) 357-7748 (M)  
hfleming@orangecountync.gov

## **ATTACHMENT B**

### **Erosion Control / Stormwater Management**

#### **Plan Review Comment Language**

In accordance with requirements set forth in the Sedimentation Pollution Control Act of 1973, North Carolina General Statute Chapter 113A Article 4, Orange County operates as a locally delegated program as outlined in the Memorandum of Agreement between the North Carolina Sedimentation Control Commission and Orange County, North Carolina. According to basic control objectives of 15A NCAC 04B .0106 and Sections 6.14 (Stormwater Management) and 6.15 (Soil Erosion and Sedimentation Control) of the Orange County Unified Development Ordinance, County staff offers the following comments with regards to your submitted plans. The corrections noted are required; if suggestions, they will be so noted.